

Remarks

Claims 1-67 are pending in this application. Claims 1-18 are currently under consideration and have been rejected. Claims 19-67 have been withdrawn from consideration. Applicants respectfully request reconsideration of the rejected claims in view of the following remarks.

§ 102 Rejections

Claims 1-6, 9, 10, 13, 14, 17, and 18 stand rejected under 35 USC § 102(b) as being anticipated by Lytton (U.S. Patent No. 3,390,458). Applicants respectfully traverse this rejection.

A patent claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Lytton discloses a method and apparatus for obtaining a more accurate impression of the root portion of a tooth which lies several millimeters below the gum (col. 1, lines 11-14). The Lytton apparatus is described as a “tube partly filled with a soft plastic material that will flow under pressure” (col. 2, lines 9-12). Although this tube is “in a size to fit over and go slightly under the gum line of the tooth” (col.2, lines 4-8), there is no teaching or suggestion that the tube article should be tooth-shaped. The embodiments disclosed in the drawings of Lytton have simple, geometric shapes for dispensing an impression material, rather than anatomical, tooth-like shapes suitable as crown forms. Indeed, Lytton expressly states that the method and apparatus are not for making jackets or crowns (column 1, lines 14-15 and 63-64). Lytton thus fails to teach or suggest a dental “crown form” having a “tooth-shaped” volume, as is recited in the present claims. Since Lytton does not provide all of the elements recited in the present claims, Applicants respectfully submit that this reference fails to anticipate claims 1-6, 9, 10, 13, 14, 17, and 18 of the present application, and the rejection under 35 USC § 102(b) should be withdrawn.

§ 103 Rejections

Claims 7, 11, and 15 stand rejected under 35 USC § 103(a) as being unpatentable over Lytton in view of Willison et al. (US 2004/0005277), and claims 8, 12, and 16 stand rejected under

35 USC § 103(a) as being unpatentable over Lytton in view of Subelka et al. (U.S. Patent No. 6,696,507). Applicants respectfully traverse these rejections.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate that all the claim limitations are taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As discussed above, Lytton fails to teach or suggest a dental crown form having a body that defines a tooth-shaped volume. Indeed, since the Lytton apparatus is meant for taking an impression rather than providing a tooth-like restoration (e.g., a crown), and since Lytton specifically teaches that the disclosed method and apparatus are not for forming a jacket or crown (column 1, lines 14-15 and 63-64), one of ordinary skill in the art would not have been motivated by the teachings of Lytton to provide a dental crown form having a body with a tooth-shaped volume.

The Office Action relies on Willison et al. and/or Subelka et al. as providing the features recited in dependent claims 7, 8, 11, 12, 15, 16. However, since the base claims from which these claims depend are patentable for the reasons discussed above, these dependent claims are patentable for the same reasons. The Office Action does not assert that either of Willison et al. or Subelka et al. would compensate for the particular deficiencies in Lytton noted above. The present invention is, therefore, patentable over these references.

Request for Rejoinder

In the event the claims under consideration are found to be allowable, Applicants request rejoinder of the withdrawn claims. In particular, withdrawn claims 37-46 recite language similar to that in some of the claims currently under consideration, and are patentable for similar reasons.

Conclusion

In view of the above, it is submitted that the present application is in condition for allowance. Reconsideration of the application is respectfully requested.

If a phone interview would help advance prosecution of the present application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

April 10, 2007
Date

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